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EXTRAORDINARY

PART II—Section 3

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MINISTRY OF EXTERNAL AFFAIRS

NOTIFICATION

New Delhi, the 30th October 1954

S.R.O. 3314.—Whereas by virtue of the agreement dated the 21st day of October, 1954, entered into between the Government of India and the Government of France, the Central Government has jurisdiction in and in relation to the French Establishments in India:

And whereas it is expedient that provision should be made by the Central Government for the administration of the said Establishments;

Now, therefore, in exercise of the powers conferred by sections 3 and 4 of the Foreign Jurisdiction Act, 1947 (XLVII of 1947), and of all other powers enabling it in this behalf, the Central Government is pleased to make the following Order, namely:—

1. (1) This Order may be called the French Establishments (Administration) Order, 1954.

(2) It extends to the whole of the French Establishments.

(3) It shall come into force on the 1st day of November, 1954.

2. In this Order "French Establishments" mean the areas comprised in the French Establishments in India known as Pondicherry, Karaikal, Mahe and Yanam.

3. There shall be a Chief Commissioner at the head of the administration of the French Establishments appointed by the Central Government.

4. (1) Subject to the direction and control of the Central Government, the Chief Commissioner may, from time to time, appoint such judges, magistrates and other authorities as may be necessary for the administration of the French Establishments and may, by general or special order, determine their jurisdiction, powers, duties and functions.

(2) Without prejudice to the provisions of sub-paragraph (1), but subject to any law for the time being in force in the French Establishments, all judges, magistrates and other authorities of the French Establishments who, immediately before the commencement of this Order, were exercising lawful functions in the said Establishments or any part thereof, shall, until other provision is made by the Chief Commissioner, continue to exercise their respective powers and jurisdiction and perform their respective duties and functions, in the same manner and to the same extent as they were doing before the commencement of this Order.

5. All laws in force in the French Establishments or any part thereof immediately before the commencement of this Order and not repealed by paragraph 6 of the French Establishments (Application of Laws) Order, 1954, shall continue to be in force until repealed or amended by a competent authority:

Provided that all functions exercisable under the said laws by the Commissioner of the Republic for the French Establishments in India shall be exercisable by the Chief Commissioner.

6. All taxes, duties, cesses or fees which, immediately before the commencement of this Order, were being lawfully levied in the French Establishments or any part thereof shall, in so far as such levy has not been discontinued by any of the laws extended to the French Establishments by the French Establishments (Application of Laws) Order, 1954, continue to be levied and applied for the same purposes until other provisions are made by a competent Legislature or authority.

[D. No. 512-GP/54.]

S.R.O. 3315.—Whereas by virtue of the agreement dated the 21st day of October, 1954, entered into between the Government of India and the Government of France, the Central Government has jurisdiction in and in relation to the French Establishments in India ;

Now, therefore, in exercise of the powers conferred by section 4 of the Foreign Jurisdiction Act, 1947 (XLVII of 1947), and all other powers enabling it in that behalf, the Central Government is pleased to make the following Order, namely:—

1. (1) This Order may be called the French Establishments (Application of Laws) Order, 1954.

(2) It shall come into force on the 1st day of November, 1954.

2. In this Order, 'French Establishments' mean the areas comprised in the French Establishments in India known as Pondicherry, Karaikal, Mahe and Yanam.

3. (1) The enactments specified in column 3 of the Schedule as in force before the commencement of this Order are hereby applied to, and shall be in force in, the French Establishments subject to—

(a) any amendments to which the enactments are for the time being generally subject in the territories to which they extend ;

(b) the modifications, if any, specified in column 4 of the Schedule; and

(c) the subsequent provisions of this Order.

(2) All rules made under any of the enactments aforesaid in force immediately before the commencement of this Order, and all notifications, orders or regulations issued or made under any of the enactments aforesaid and similarly in force, in so far as their application is required for the purpose of effectively applying the provisions of the said enactments, are also hereby applied to, and shall be in force in, the French Establishments.

4. (1) Any reference in any enactment, notification, rule, order or regulation, applied to the French Establishments by this Order, to India or to States or State generally shall be construed as including a reference to the French Establishments.

(2) Any reference in any enactment specified in the Schedule to the State Government shall be construed as a reference to the Central Government.

(3) Any reference in any enactment specified in the Schedule to a law not in force, or to any functionary not in existence, in the French Establishments shall be construed as a reference to the corresponding law, if any, in force or to the corresponding functionary in existence, in the said Establishments:

Provided that if any question arises as to who such corresponding functionary is, the decision of the Central Government thereon shall be final.

5. Any court, tribunal or authority required or empowered to enforce in the French Establishments any enactment specified in the Schedule may, for the purpose of facilitating its application in relation to the said Establishments, construe the enactment with such alterations, not affecting the substance. As may be necessary or proper with respect to the matter before the court, tribunal or authority, as the case may be.

6. Unless otherwise specially provided in the Schedule, all laws in force in the French Establishments immediately before the commencement of this Order, which correspond to the enactments specified in the Schedule, shall cease to have effect, save as respects things done or omitted to be done before such commencement.

THE SCHEDULE

(See paragraph 3)

Serial No.	Year	No.	Short title	Modifications
1	2	3	4	5
1	1878	VIII	The Sea Customs Act, 1878.	
2	1881	XXVI	The Negotiable Instruments Act, 1881.	
3	1889	IV	The Indian Merchandise Marks Act, 1889.	
4	1906	III	The Indian Coinage Act, 1906.	After section 24, insert— “25. <i>Temporary provisions with respect to French coins.</i> —Notwithstanding anything contained in paragraph 6 of the French Establishments (Application of Laws) Order, 1954, or in this Act coins of such description as at the commencement of the said Order were in circulation as legal tender in the French Establishments, as defined in that Order, shall continue to be legal tender in the said Establishments to the like extent and subject to the same conditions as immediately before the commencement of the said Order and for such period or periods, not exceeding one year in the aggregate from such commencement, as the Central Government may from time to time; by notification in the Official Gazette, determine”.
5	1910	IX	The Indian Electricity Act, 1910.	Section 28—In sub-section (1) omit the proviso.
6	1913	VII	The Indian Companies Act, 1913.	After section 2B, insert— “2C. <i>Provisions as to companies registered in the French Establishments before 1st November, 1954.</i> —Notwithstanding anything contained in paragraph 6 of the French Establishments (Application of Laws) Order, 1954, or in this Act or in any other law for the time being in force, a company registered under any law corresponding to this Act in force in the French Establishments, as defined in the said Order, immediately before the commencement of that Order shall be deemed for the purposes of this Act to be a company incorporated and registered under this Act”.

1	2	3	4	5
				<p>Provided that the Central Government may, by notification in the Official Gazette, except any such company from any of the obligations imposed on companies by this Act for such period or periods not exceeding one year in the aggregate from the commencement of the said Order as it may think fit."</p>
1934	II	The Reserve Bank of India Act, 1934.		<p>To sub-section (1), of section 26, add—</p> <p>"Provided that nothing contained in this Act shall be construed as rendering bank notes of the denominational values of five hundred rupees, one thousand rupees and ten thousand rupees respectively, which ceased to be legal tender at any place in India on the expiry of the 12th day of January, 1946, under the High Denominational Bank Notes (Demonetisation) Ordinance, 1946 (III of 1946), legal tender for any of the purposes of this Act in the French Establishments as defined in the French Establishments (Application of laws) Order, 1954."</p> <p>After section 26, insert—</p> <p>"26A.—<i>Temporary provisions with respect to certain French notes.</i>—Notwithstanding anything contained in paragraph 6 of the French Establishments (Application of laws) Order, 1954, or in this Act or in any other law for the time being in force, notes of such description as at the commencement of the said Order were in circulation as legal tender in the said Establishments as defined in the said Order shall continue to be legal tender in the said Establishments to the like extent and subject to the same conditions as immediately before the commencement of the said Order for such period or periods, not exceeding two years in the aggregate from the commencement of the said Order, as the Central Government may from time to time, by notification in the Official Gazette, determine."</p>
8. 1934	XXXII	The Indian Tariff Act, 1934.		
9. 1942	VII	The Coffee Market Expansion Act, 1942.		
10. 1944	I	The Central Excises and Salt Act, 1944.		

1	2	3	4	5
11.	1946	XXIV	The Essential Supplies (Temporary Powers) Act, 1946.	
12.	1947	VII	The Foreign Exchange Regulation Act, 1947.	
13.	1947	XVIII	The Imports and Exports (Control) Act, 1947.	
14.	1948	LIV	The Electricity (Supply) Act, 1948.	Throughout the Act, omit references by whatever form of words to the State Legislature.
				Section 5—In sub-section (1), for “after the issue of the notification under sub-section (4) of section 1”, substitute “after the 1st day of November, 1954”.
				Section 6—
				(i) In sub-section (1), for “after it has issued a notification under sub-section (4) of section 1”, substitute “after the 1st day of November, 1954”.
				(ii) In sub-sections (2) and (3), for “State Governments”, substitute “Governments”.
				Section 7—In sub-section (1), for “State Governments”, substitute “Governments”.
15	1949	X	The Banking Companies Act, 1949.	
16	1953	12	The Khadi and Other Handloom Industries Development (Additional Excise Duty on cloth) Act, 1953.	Section 2—In clause (a), for “15th day of February, 1953,” substitute “1st day of November, 1954”.
17	1953	29	The Tea Act, 1953	Section 17—In sub-section (3), omit “French or”. Section 18—In sub-sections (2) and (3), omit “French or”.
18	1953	39	The Dhooties (Additional Excise Duty) Act, 1953.	Section 3—In sub-section (1)—in the opening paragraph of Explanation I, for “with reference to the returns furnished in that behalf by the mill to the Textile Commissioner to the Government of India under the Cotton Textiles (Control) Order, 1948”, substitute “in such manner as may be specified in this behalf by the Central Government”. in Explanation II, for “1953” substitute “1954”.

1	2	3	4	5
				Section 4—In sub-section (1), for "26th day of October, 1953", substitute "1st day of November, 1954".
19	1953	45	The Coir Industry Act, 1953.	
20	1954	17	The Finance Act, 1954.	Omit sections 2 to 4, 11 and 12.
21	1940	IV	The Currency Ordinance, 1940.	After section 2A, insert— "2B. <i>Temporary provisions with respect to French notes.</i> —Notwithstanding anything contained in paragraph 6 of the French Establishments (Application of Laws) Order, 1954, or in this Ordinance notes of the denominational value of one rupee or less, which at the commencement of the said Order were in circulation as legal tender in the French Establishments as defined in that Order shall continue to be legal tender in the said Establishments to the like extent and subject to the same conditions as immediately before the commencement of the said Order and for such period or periods, not exceeding one year in the aggregate from such commencement, as the Central Government may, from time to time, by notification in the Official Gazette, determine."
22	1934	XXII	The Indian Aircraft Act, 1934.	

[D. No. 513-GP/54.]

A. N. MEHTA, Under Secy.